

**INDIANA PUBLIC DEFENDER COMMISSION MEETING
MINUTES**

April 5, 2005

The meeting of the Indiana Public Defender Commission commenced at 12:05 p.m. Present were: Chairman Norman Lefstein, Commission members Hon. Daniel Donahue, Bettye Lou Jerrel, Sen. Timothy Lanane, Rebecca McClure, Susan Carpenter, and Monica Foster. Absent were: Commission members Les Duvall, Sen. Joseph Zakas, Rep. Ralph Foley, and Rep. Bob Kuzman. Also in attendance were Larry Landis of the Indiana Public Defender Council and Bob Borgmann, Staff Counsel for the Commission.

1. Minutes from the December 16, 2005 meeting were reviewed and approved. Chairman Lefstein noted that a letter had been sent to County Public Defenders, Public Defender Boards, and Auditors indicating that the Commission would need to pro rate reimbursements for the period October 1, 2004 through December 31, 2004. A copy of the letter was provided in the board packet.
2. The Commissioners next considered and approved capital reimbursements as follows:

Reimbursements in Capital Cases		
April 5, 2005		
COUNTY	DEFENDANT	TOTAL
Delaware	Verner	\$9,530.83
Lake	Aki-Khuam	\$12,356.75
	Britt	\$1,365.00
	Jeter	\$7,234.77
	Maust	\$16,832.37
	Roche	\$4,601.18
Madison	Baer	\$31,159.57
Marion	Adams	\$815.08
	Covington	\$5,660.78
	Dye	\$15,437.92
	Holland	\$6,475.09
Vanderburgh	McManus	\$1,743.80
TOTAL		\$113,213.14

3. The Commission considered reimbursement for non-capital claims in the amounts indicated in the table, "Reimbursement in Non-capital Cases—APRIL 5, 2005," which is attached at the end of these Minutes and incorporated herein.

(SEE ATTACHED TABLE)

Bob Borgmann noted that Public Defender claims submitted by Kosciusko County for the quarter ending December 31, 2004 had increased approximately \$82,000 over the claims submitted for the previous quarter. Approximately \$75,000 of the increased amount were attributable to expenses incurred in the non-capital murder case involving Jason Ryan. The Commission asked Mr. Borgmann to obtain additional information regarding the expenses incurred in the Jason Ryan case. Mr. Borgmann also noted that in Marion County 8 of 16 full-time attorneys and 2 of 3 part-time attorneys in major felony courts had caseload assignments in that exceeded Commission Standards. The excess caseloads assignments resulted from an overflow of D-felonies that occurred at the beginning of the year 2004, and that the Marion County Public Defender was reassigning cases to bring case assignments into compliance with Commission Standards. Larry Landis indicated that much of the problem in Marion County resulted from the transferring of all cases involving the same defendant to one court.

The Commission approved the submitted claims as adjusted and recommended by Mr. Borgmann.

The Commission next considered the necessity to pro rate reimbursements because of a shortage of funds in the Public Defense Fund. After examining the remaining balance in the Public Defense Fund, it was recommended that reimbursements be prorated at a rate of 69.1%. After prorating, counties would be reimbursed at a rate of 27.64% instead of the full 40%. The Commission approved the prorated reimbursements as recommended and as indicated in the attached table, "Reimbursement in Non-capital Cases—APRIL 5, 2005." The prorated reimbursement for claims submitted by Kosciusko County was conditioned upon receipt of additional information regarding the Jason Ryan case.

4. Larry Landis next discussed legislative budget bills. Mr. Landis stated that House Bill 1113 raised court fees and provided an additional \$1 million per year for the Public Defender Commission, beginning in FY 2005-06. The Public Defender Commission budget will be increased from \$9 million in FY 2005-06 to \$10 million. Mr. Landis also discussed Senate Bill 363, which provided for a raise in judges' salaries, and in turn would increase the salaries of prosecutors. This will impact the reimbursement program because Commission standards require public defender salaries to be "substantially comparable" to the salaries of prosecutors.
5. Chairman Lefstein next discussed the editorial that had been published in the Indianapolis Star on Friday, March 4, 2005. The editorial commented on the ABA report, co-authored by Chairman Lefstein, which determined that Indiana provides inadequate funding for indigent defense services. Indiana ranks 46th among the 50 states in per capita funds provided for public defenders. The editorial called for the General Assembly to provide additional funds for indigent defense services.
6. The Commission next considered drafts of "Commission Policies in Capital Cases" and "Commission Policies in Non-capital Cases." The Commission members indicated that the policies were a good idea and discussed distribution of the policies. Mr. Landis recommended amending the documents by replacing the word "Policies" with the word "Guidelines." This amendment was approved by the Commission, and the Commission approved distribution of the Guidelines to all counties that participate in the reimbursement program and approved posting of the Guidelines on the Commission's website.

7. The Commission next discussed a standardized quarterly report form and attorney caseload worksheet. The Commission approved the standardized "Request for Reimbursement" form and "Case Assignment Worksheet" for distribution to the counties. The standardized forms are to be used by the counties when submitting reimbursement claims beginning with the quarter ending June 30, 2005.
8. The Commission next discussed misdemeanor caseloads, and a recent Fort Wayne newspaper article indicating that two public defenders in Fort Wayne handled 2600 misdemeanor cases last year. Under current Commission practices, since reimbursement is not provided for misdemeanor cases, county public defenders do not submit misdemeanor statistics unless the public defenders handle a mixed felony and misdemeanor caseload. The Commission decided more information was needed regarding this topic and requested Mr. Borgmann to send a letter to chief public defenders requesting misdemeanor information.
9. Chairman Lefstein next updated the Commission on staffing the new position. Subject to the approval of the Chief Justice, an Assistant Staff Counsel position will be offered to Michael Murphy. Mr. Murphy is employed with the Marion County Public Defender and graduated from the Indiana University Law School – Indianapolis in 2000. Mr. Murphy has significant business experience and will bring maturity to the position. It is anticipated that Mr. Murphy will begin work after the first part of May.
10. The Commission next discussed future meeting dates. For the remainder of the year, the Commission approved regular meeting dates on the third Thursdays of June, September, and December at 3:00 p.m. The next meeting will be held on June 16, 2005 at 3:00 p.m. in Room 1165 of the National City Center, 115 W. Washington Street, Indianapolis, Indiana. Other meetings will be held on September 15, 2005 and December 15, 2005.
11. The meeting adjourned 2:15 p.m.

Norman Lefstein, Chairman

Date